

COUNTY OF LAGRANGE

ORDINANCE NO. 2004-7-19A

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 1997-11-17(a) PROVIDING FOR THE ENFORCEMENT OF I.C. §9-22-1 WITH REGARD TO ABANDONED VEHICLES LOCATED WITHIN THE UNINCORPORATED AREAS OF LAGRANGE COUNTY AND PROVIDING PENALTIES FOR VIOLATION OF SAID ORDINANCE

WHEREAS, the LaGrange County Council and the LaGrange Commissioners (the “County”) adopted Ordinance No. 1997-11-17(a) (the “1997 Ordinance”) and Ordinance No. 1990-5-7 (the “1990 Ordinance”) providing for the removal and disposal of abandoned vehicles and enforcement of said Ordinances within the unincorporated areas of LaGrange County, and creating a fund for the purpose of implementing the provisions of the 1990 Ordinance; and

WHEREAS, the County now finds it necessary and in the public interest to amend Ordinance No. 1997-11-17(a) restating Ordinance No. 1990-5-7 to provide additional enforcement mechanisms and penalties for violation of the provisions of said Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LAGRANGE COUNTY, INDIANA, THAT:

SECTION I

The following provision is hereby added to Ordinance No. 1997-11-17(a):

Section 4.5. (a) If an abandoned vehicle is not removed within seventy-two (72) hours after an Enforcement Officer attaches in a prominent place the notice tag required under Section 4 of this Ordinance, the Enforcement Officer or his or her designee may issue a written order of violation of this Ordinance.

(b) Any person or entity found in violation of this Ordinance is subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) in addition to all costs

and expenses incurred for towing and storage under this Ordinance, for the first offense. Each subsequent violation of this Ordinance shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2500.00) in addition to all costs and expenses incurred for towing and storage under this Ordinance. Each abandoned vehicle shall constitute a separate offense and a separate offense shall be deemed committed for each twenty-four (24) hour period during which a violation of this Ordinance occurs or continues following attachment of the notice tag required under Section 4.

(c) All provisions and the respective civil penalties imposed under this Section shall be enforced in the Superior Court and/or Circuit Court of LaGrange County, Indiana, by the LaGrange County Attorney or said Attorney's delegate, which may be the Prosecuting Attorney of LaGrange County, Indiana.

SECTION II

The express or implied repeal or amendment by this Ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

SECTION III

No part of this Ordinance shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION IV

This Ordinance shall be effective upon promulgation according to law.

Adopted and Ordained this 19th day of July, 2004.

BOARD OF COMMISSIONERS OF
LAGRANGE COUNTY, INDIANA

Richard A. Strayer, President

Phillip D. Curtis

James P. Hess

ATTEST:

Kay M. Myers, Auditor

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

BOARD OF COMMISSIONERS OF
LAGRANGE COUNTY, INDIANA

Richard A. Strayer, President

Phillip D. Curtis

James P. Hess

ATTEST:

Kay M. Myers, Auditor